

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 19, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-13501 - APPLICANT/OWNER: ELKHORN 95 PARTNERS, LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for the Supper Club use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0076-98), Site Development Plan Review (SDR-11702), and Variance (VAR-11710) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Supper Club at 7050 North Durango Drive, as depicted as Building “R” within the Montecito Marketplace commercial center.

EXECUTIVE SUMMARY

This is a request for a proposed Special Use Permit for a Supper Club at 7050 North Durango Drive, on a development site which is referenced as Building “R” in Phase II of the Montecito Marketplace. The applicant, Johnny Carino’s Italian Restaurant, would like to have the ability to sell alcoholic beverages for consumption on the premises. No exterior changes to the property will be made. No request has been made for Incidental Gaming on the site, and so such gaming uses will not be part of or associated with this request. The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding development; therefore, approval is recommended.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|--|
| 05/20/64 | The City Council approved an annexation (A-0003-64) of land generally located north of Cheyenne Avenue and west of Decatur Boulevard, containing approximately 10,136 acres, including the 40-acre east portion of the subject site. The effective date was 05/29/64. |
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) of a 1,468-acre portion of the Northwest, including the east 40-acre portion of the overall subject site. The Planning Commission and staff recommended approval. |
| 01/17/01 | The City Council approved an annexation (A-0003-99) of land generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the west five acres of the subject site. The effective date was 01/26/01. The Planning Commission and staff recommended approval. |
| 12/19/02 | The Planning Commission approved a request for a Tentative Map (TMP-1244) for a three-lot commercial subdivision on 80 acres on the east side of the El Capitan alignment (Durango Drive) between Elkhorn Road and Deer Springs Way. Staff recommended approval. |

- 12/04/03 The Planning Commission approved a request for a Site Development Plan Review (SDR-3267) for a proposed hospital on 40 acres adjacent to the northeast corner of Durango Drive and Deer Springs Way. Staff recommended approval.
- 04/07/04 The City Council approved a Site Development Plan Review (SDR-3764) related to a Major Modification of the Montecito Town Center Development Agreement (MOD-3763) and Rezoning (ZON-3840) for a proposed 587,750 square-foot mixed-use commercial development on 45.6 acres in Montecito Town Center, adjacent to the southeast corner of Elkhorn Road and Durango Drive. Additionally, the following Special Use Permits were also approved: (SUP-3765) for Liquor Sales on Pad A, (SUP-3767) for Gaming (Incidental) on Pad A, (SUP-3769) for a Drive-through Facility on Pad A, (SUP-3770) for a Drive-through Facility on Pad O, (SDR-3771) for a Tavern on Pad P, (SUP-3773) for Gaming (Incidental) on Pad P, (SDR-3764) for Gasoline Sales on Pad Q, (SUP-3776) for a Car Wash on Pad Q, (SUP-3777) for Gaming (Incidental) on Pad Q, (SUP-3778) for Liquor Sales on Pad Q, (SUP-3779) for a Tavern on Pad Z, (SUP-3780) for Gaming (Incidental) on Pad Z, (SUP-3781) for a Drive-through Facility on Pad F, (SUP-3783) for Liquor Sales on Pad HH, (SUP-3785) for Gaming (Incidental) on Pad HH, (SUP-3786) for a Drive-through Facility on Pad HH, (SUP-3788) for a Drive-Through facility on DD, and (SUP-3789) for a Drive-through Facility on EE. The Planning Commission and staff recommended approval.
- 02/16/05 The City Council approved a Site Development Plan Review (SDR-5731) for a 380,000 square-foot commercial development on 45.6 acres adjacent to the southeast corner of Durango Drive and Elkhorn Road. Planning Commission and Staff recommended approval.
- 04/19/06 The City Council approved a Major Amendment to a Site Development Plan Review (SDR-11702, amended from SDR-5731) to allow the modification of pads G, I through O, R, U, and V on 21.48 acres at the southeast corner of Durango Drive and Elkhorn Road. Planning Commission recommended approval. Staff recommended denial.
- 04/19/06 The City Council approved a Variance (VAR-11710) to allow 1,032 parking spaces where 1,209 parking spaces is the minimum number of parking spaces required on 21.48 acres at the southeast corner of Durango Drive and Elkhorn Road. Planning Commission recommended approval. Staff recommended denial.
- 06/07/06 The City Council approved a Special Use Permit (SUP-12595) for a Beer/Wine/Cooler On-Sale Establishment on 21.48 acres at the southeast corner of Durango Drive and Elkhorn Road. The Planning Commission and staff recommended approval on 05/11/06.
- 06/22/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #8/ng).

B) Pre-Application Meeting

04/12/06 A pre-application meeting was held where the requirements for a Special Use Permit were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 21.48

B) Existing Land Use

Subject Property: Retail Commercial – under construction

North: Undeveloped

South: Undeveloped

East: Undeveloped

West: Undeveloped

C) Planned Land Use

Subject Property: UC-TC (Urban Center Mixed Use – Town Center)

North: PF-TC (Public Facilities – Town Center)

South: UC-TC (Urban Center Mixed Use – Town Center)

East: UC-TC (Urban Center Mixed Use – Town Center)

West: UC-TC (Urban Center Mixed Use – Town Center)

D) Existing Zoning

Subject Property: UC-TC (Urban Center Mixed Use - Town Center)

North: PF-TC (Public Facilities - Town Center)

South: UC-TC (Urban Center Mixed Use - Town Center)

East: UC-TC (Urban Center Mixed Use - Town Center)

West: UC-TC (Urban Center Mixed Use - Town Center)

E) General Plan Compliance

The subject site is designated TC (Town Center) within the Centennial Hills Sector Plan of the Master Plan. The Town Center category is intended to be the principal employment center for the Northwest and is a mixed-use development category. As compatibility allows, a mix of uses can include mall facilities, shopping centers and other retail facilities; low to high density residential uses; planned business; office and industrial parks; and recreational uses. The existing T-C (Town Center) zoning district and the proposed Super Club use is permitted within the Town Center land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Town Center	X	
Special Overlay District	X	
Montecito Town Center	X	
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Town Center

The subject site lies within the boundaries of Centennial Hills Town Center. The specific land use category designated for this area within the plan is UC-TC (Urban Center Mixed Use - Town Center), which is intended to provide for ground floor commercial space and office, retail or residential space above to maximize the use of the property. Development in this district shall be consistent with the mixed use policies of the Centennial Hills Sector Plan, shall be executed by Development Agreement, and shall not be limited by density. Under the Town Center Development Standards Manual, this use would be defined as a “Restaurant Service Bar/Supper Club”; however, as the site is also subject to the Montecito Town Center Development Agreement, which supercedes the Town Center Plan and which defines this use as a “Supper Club”, the request is for a Supper Club.

Montecito Town Center

As noted above, the site is part of the Montecito Town Center plan area, which was established by Development Agreement. The proposed Supper Club conforms to the requirements for such use as listed in the Agreement, which identifies the subject site as “Montecito Town Center Mixed-use Commercial”.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is not deemed to be a “Project of Regional Significance”, as it does not meet the conditions and requirements to be so deemed.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Parking within Montecito Town Center is subject to the requirements of Title 19.10, as well as the specific standards contained within the Town Center Development Standards Manual relating to design. The following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Retail	156,805 SF	1/250 SF GFA	628			
Beauty Salon	7,225 SF	1/200 SF GFA	37			
Office, Medical	6,145 SF	1/200 SF GFA up to 2,000 SF; 1/175 SF GFA thereafter	34			
Office	729 SF	1/300 SF GFA	3			
Restaurant (without drive-thru)	30,723 SF (19,885 SF seating/waiting)	1/50 SF GFA seating/waiting area; 1/200 SF remaining GFA	453			
Restaurant (with drive-thru)	1,600 SF	1/100 SF GFA	16			
Financial Institution	8,945 SF	1/200 SF GFA	45			
Subtotal	212,172 SF		1,193	23	988	44
TOTAL			1,216		1,032	

Based on the projected uses, a total of 1,216 spaces are required for the portion of the overall site, but 1,032 spaces are provided. A Variance (VAR-11710) was approved on 04/19/06 to allow the reduction of 177 required spaces on the site. The proposed 7,000-square-foot Supper Club forms a portion of the 30,723 square feet of restaurant space noted in the table above.

A2) Minimum Distance Separation Requirements

Although the “Restaurant Service Bar/Supper Club” use in Town Center calls for a 400-foot separation distance from any church, synagogue, school, child care facility licensed for more than 12 children, or City park, the Montecito Development Agreement, which supercedes the Town Center plan, has no such separation requirement for a “Supper Club” use. Such uses are not located within 400 feet of the subject site, in any event.

B) General Analysis and Discussion

- Zoning

The site is currently zoned T-C (Town Center). This zoning defers to the special land use designation of UC-TC (Urban Center Mixed Use - Town Center), as found in the Town Center Development Standards Manual. The Montecito Town Center Development Agreement supersedes the Town Center Development Standards Manual requirements. The use is allowed pursuant to the Development Agreement, subject to the approval of a Special Use Permit.

- Use

The requirements of Section 19.04.050 of the Town Center Development Standards Manual regarding Supper Club uses are supplanted by the standards of Section 2.3 of the Montecito Town Center Development Agreement. These standards, from a use perspective, only require the issuance of a Special Use Permit to allow the proposed Supper Club use. No conditions or requirements are listed for this use. The use lies within an established commercial project and can be conducted in a manner that is harmonious and compatible with the surrounding development.

- Conditions

No conditions or requirements are listed for this use, pursuant to the Montecito Town Center Development Agreement, although such conditions would exist for a similar use within the Town Center area not subject to the Development Agreement.

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Trash Enclosure	Provide and locate 50 feet from residential, walled, gated and covered	Y

The project meets the on-site standard for the provision of a trash enclosure.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Although the Town Center Development Standards require a “Restaurant Service Bar/Supper Club” use to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children or City Park, as measured from property line to property line, the Montecito Development Agreement has no such requirement for a “Supper Club” use. In this case, this use would meet the minimum Town Center distance separation requirements from the city park to the east of the subject site. The request conforms to the provisions of the Montecito Town Center Development Agreement.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is level and contains no physical impediments to development. It is physically suitable for the type and intensity of land use as proposed by this Supper Club use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Durango Drive, on the west boundary of the overall development site that contains this pad within Phase II, will be developed as a Town Center Parkway Arterial (120 feet). Grand Montecito Parkway, which will pass through the east side of the overall development site, is designated as a 90-foot Town Center Loop Road. Elkhorn Road, to the north of the overall development site, is identified as a 100-foot Primary Arterial with special design requirements. These streets will have adequate capacity to serve the proposed development.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the Master Plan.”**

The proposal conforms to the goals and objectives of the Master Plan designation in which it is located. As such, it will not endanger the public health, safety, or welfare of the populace or be inconsistent with the objectives of the Master Plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

7

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 512 by City Clerk

APPROVALS 0

PROTESTS 0